

## **Information for Committees – Public Act 97-0766:**

Public Act 97-0766, effective July 6, 2012, contains a number of changes to Illinois campaign disclosure law that may affect political committees in the state. Here are some of the highlights:

- Adds the definition for a new type of committee – Independent Expenditure Committee. These are committees formed for the exclusive purpose of making independent expenditures (defined as any donation or expenditure of funds for the purpose of making electioneering communications or expressly advocating for or against a clearly identified public official, candidate or question of public policy, provided the spending is not coordinated in any way with the public official, candidate or their political committees or campaigns.) Independent expenditure committees are exempt from normal contribution limits – they may accept contributions from any source in any amount, provided they file required disclosure documents, but are prohibited from making contributions or coordinated expenditures to most other political committees in Illinois, and face potentially severe penalties for doing so. On its statement of organization (form D-1), the Chairman of an independent expenditure committee must sign an additional verification confirming the committee is formed for the exclusive purpose of making independent expenditures and that the committee will not make contributions to any candidate political committee, party political committee, or political action committee.
- Removes contribution limits for candidate political committees in races where independent expenditure spending exceeds a specified amount. If a natural person or independent expenditure committee makes independent expenditures in support of or opposition to the campaign of a particular public official or candidate that, in aggregate, exceeds \$250,000 for statewide races or \$100,000 for all other races, the spender must file notice of this with the State Board of Elections within 2 business days. All candidates in the same race will then be notified that the normal contribution limits are lifted for the remainder of the election cycle.
- Specifies the reporting requirements for a natural person who makes independent expenditures. A natural person who makes more than \$3,000 in independent expenditures supporting or opposing a public official or candidate during any 12 month period must file a disclosure with the Board. That person is then required to report further expenditures involving the same election in \$1,000 increments, until the conclusion of the election.
- Changes the determination of contribution limit violations. A political committee that receives a contribution in excess of the allowed limit must return the excess portion to the contributor or donate a like amount to charity. If this is done within 30 days after the Board sends notice of the excess contribution to the committee, no violation will have occurred. Failure to dispose of the excess contribution will result in a contribution limit violation, requiring the committee to escheat the excess amount to the General Revenue Fund, and subjecting the committee to a fine of up to 150% of the excess amount.

- Lifts some record-keeping requirements for political committees conducting licensed raffles. A committee treasurer is still required to keep an account of the total amount of money received through a raffle, but is no longer required to keep records of the name and address of any person who purchases \$150 or less worth of raffle tickets. This exemption applies only to licensed raffles – committees are still required to keep name and address information for all other contributions, regardless of amount.
- Allows political action committees that receive contributions from corporations, associations and labor organizations, or their committees, to report contributions made through dues, levies or similar assessments in the aggregate, with some exceptions. Such contributions from any one source that exceed \$500 during a quarterly reporting period must be itemized, and cannot be included as part of the aggregate total. The group or committee acting as a conduit to facilitate the delivery of the contributions must still maintain a detailed list of the contributions making up the aggregate total.
- Clarifies that an Illinois state party committee may accept unlimited transfers from an affiliated federal party committee formed by the same political party.
- Specifies the delivery method for notifying committees of fines assessed against them. Assessment notices will be sent by certified mail to the committee address on file with the Board, and by first class mail to the committee officers on file with the Board.

For a more detailed description of the changes, please refer to [Public Act 97-0766](#) or contact the Campaign Disclosure Department of the State Board of Elections – (217)782-4141 (Springfield) or (312) 814-6440 (Chicago).